

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AL WILLIAMS,)	Docket No. 08 C 6409
)	
Plaintiff,)	Chicago, Illinois
)	March 29, 2011
v.)	1:45 o'clock p.m.
)	
CITY OF CHICAGO, et.al.)	
)	
Defendants.)	

VOLUME 1-B
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOAN LEFKOW, and a jury

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1 (Proceedings had in open court. Jury out.)

2 THE COURT: I'm told we have a juror who needs to leave
3 at 4:15, I guess, something like that, so ... today.

4 MR. JONES: That's a good juror.

5 THE COURT: You don't mind, do you?

6 (Laughter.)

7 MR. JONES: Good juror.

8 THE COURT: Okay.

9 MR. JONES: Good one.

10 THE COURT: Is anybody uncomfortable with the cold air
11 in here?

12 Yes, no?

13 MR. JONES: Can we go to the Bahamas?

14 THE COURT: You can if you want to.

15 Well, if there is a problem, let me know. I wonder how
16 the jury is going to feel.

17 (Discussion held off the record.)

18 (Jury enters courtroom.)

19 THE CLERK: Please be seated.

20 THE COURT: Good afternoon, Ladies and Gentlemen of the
21 Jury.

22 I came out here, and I thought it was really chilly.
23 Are you -- does it seem cold?

24 Does anyone want to get a sweater or anything before we
25 get started?

1 Yes?

2 JUROR: No, I'm good.

3 THE COURT: Let me know. If you're really
4 uncomfortable, we'll see if they'll come in and turn up the heat
5 and then it will be too warm so ... all right.

6 All of you are now in the jury box, have been sworn as
7 a jury to try this case.

8 By your verdict, you will decide the questions of fact
9 that arise during the trial.

10 It is important that you give careful attention to the
11 testimony and evidence as it is received and presented for your
12 consideration, but you should keep an open mind and should not
13 form or express any opinion about the case one way or another
14 until you consider your verdict, after having heard all of the
15 evidence, the closing arguments of the attorneys, and my
16 instructions to you on the applicable law.

17 You, as jurors, must decide this case based solely on
18 the evidence presented here within the four walls of this
19 courtroom. This means that during the trial you must not
20 conduct any independent research about this case, the matters in
21 the case, and the individuals involved in the case. In other
22 words, you should not consult dictionaries or reference
23 materials, search the internet, websites, blogs, or use any
24 other electronic tools to obtain information about the case or
25 help you to decide the case. Please do not try to find out

1 information from any source, outside the confines of this
2 courtroom.

3 Until you retire to deliberate, you may not discuss the
4 case with anyone, even your fellow jurors.

5 After you retire to deliberate, you may begin
6 discussing with your fellow jurors, but you cannot discuss the
7 case with anyone else until you have returned a verdict and the
8 case is at an end.

9 I hope that for all of you the case is interesting and
10 noteworthy.

11 I know that many of you -- I've already told you about
12 the cell phones on the Blackberries, so we're not going to go
13 over that again.

14 If anyone has spoken to you or should speak to you
15 about this case or try to influence you in any manner before its
16 final disposition, directly or indirectly, it is your legal
17 responsibility to inform me immediately. You may report any
18 such conduct to Mr. Dooley or my court reporter, who is sitting
19 right here, who will report it to me. All of these precautions
20 are important to the integrity of the jury process.

21 You cannot begin to consider what your verdict is going
22 to be until you have heard all of the evidence that will be
23 offered. You're going to have to keep open minds, minds that
24 have not been made up until you have heard all of the evidence
25 that is going to be presented in the case.

1 The plaintiff, having the burden of proof, is given the
2 opportunity to go forward first and present to the jury all of
3 the evidence he chooses to offer about the case.

4 After the plaintiff has finished, then the defendants
5 are given the opportunity to offer such evidence as they choose.

6 You must keep your mind open, free, and ready to
7 receive all of the evidence as it comes to you before you begin
8 to consider your verdict.

9 Your verdict must be one that is based only on the law
10 and the evidence in the case without regard to sympathy, bias,
11 or prejudice.

12 If you bring in a verdict that is based on the law and
13 the evidence without regard to sympathy, bias, or prejudice, it
14 will be a true verdict that brings justice to each of the
15 parties here in the courtroom.

16 During the trial, you may hear objections made by the
17 lawyers. It is their duty to object when they think it should
18 be done. It's a help to me, and the purpose is to keep the case
19 focused on issues and to keep out irrelevant matters. As
20 jurors, you should not hold any motion or objection against
21 either the plaintiff or the defendants or feel that either side
22 is trying to keep something from you. And do not hold it
23 against either side that I have sustained an objection, meaning
24 the witness is not to answer. If a question is not answered
25 because I sustained an objection, do not speculate as to what

1 you think the answer might have been.

2 There are instances when the attorneys will make legal
3 arguments to the Court. Because those arguments are not
4 evidence, it's not proper for the jury to hear them. On those
5 occasions, I will ask the lawyers and the court reporter, who
6 can hear us, we'll be right over here as you've already seen, or
7 we may step outside the courtroom to confer. These occasions
8 are called sidebars. Sidebars are a necessary and normal part
9 of a jury trial and you should not be concerned by their
10 frequency or length nor should you draw any inference against
11 any party who calls for a sidebar.

12 During the course of the trial, you may encounter some
13 of the counsel or parties at one time or another in public
14 corridors or in elevators or during a noon recess in the
15 restaurants in the area or downstairs in the cafeteria. If they
16 do not engage in discussion or conversation with you, please do
17 not be offended. They're simply following the rules. I ask you
18 also not to engage in conversation with the parties or counsel,
19 not even small talk.

20 At times, the jury may be excused from the courtroom or
21 I and the attorneys will confer in chambers while objections are
22 being discussed or for other reasons. Under the law, various
23 matters must be heard out of the presence of the jury.

24 We will try to move everything along as expeditiously
25 as possible and resolve these things quickly, but I just would

1 ask for your patience when a case is recessed or adjourned for
2 such a purpose. And if the trial doesn't begin promptly at the
3 designated time, the delay has been caused by the Court's other
4 duties, which cannot be put aside.

5 When a trial is interrupted or delayed for any of these
6 reasons, I ask that you be patient for the sake of the parties
7 who rely on you for a just verdict.

8 You may take notes if you believe they will help you
9 pay attention. If you do take notes, I want you to leave them
10 here every evening and do not share them with any other juror.
11 The important thing is that you do your best to listen to all of
12 the evidence.

13 All right. We'll talk now briefly about the order the
14 trial will follow.

15 In just a few moments, the lawyers for each of the
16 parties will be permitted to make what we call opening
17 statements.

18 The plaintiff is given the opportunity to go first
19 because the plaintiff has the burden of proof.

20 After both parties have given their opening statements,
21 the plaintiff will go forward with the calling of his witnesses
22 and the presentation of evidence during what we call the
23 plaintiff's case-in-chief.

24 When the plaintiff finishes presenting his
25 case-in-chief, the defendants will proceed with their witnesses

1 and evidence; and after that and within certain limitations, the
2 plaintiff will be -- may be permitted to again call witnesses or
3 present evidence in what we call the rebuttal phase of the
4 trial.

5 The plaintiff proceeds first and may rebut at the end
6 because the law places the burden of proof on the plaintiff, as
7 I will explain further to you as part -- in a few moments and
8 again as part of my final instructions.

9 When the evidence portion of the trial is completed,
10 the lawyers are then permitted to address you and make their
11 summations or final arguments in the case, after which I will
12 instruct you on the applicable law.

13 After you hear my instructions on the law, you will
14 then retire to the jury room, and for the first time you will
15 begin talking about the case. That is, you will begin your
16 deliberations. You will have kept an open mind, not reaching
17 any opinions or conclusions until you have heard everything
18 there is to hear and you've begun your deliberations in the
19 privacy of the jury room. In that manner, you will have kept
20 the promise each one of you has made to me under oath.

21 As I mentioned to you earlier, not to talk about the
22 case, but you may of course tell your family and your employer
23 that you have been selected as a juror; and, second, you may
24 tell them what the schedule would be. However, do not tell them
25 anything else. Do not tell them the name of the case, who the

1 lawyers or witnesses are, the nature of the claim, or anything
2 about the case until it is completely over.

3 If you are having a problem with your employer or
4 expect a problem, please advise the Court by way of a note. The
5 courtroom deputy provide a paper and pencil if you need one. I
6 or someone on my staff will tell your employer that you must
7 appear as part of your civic duty, and it is not to be held
8 against you in any way. A letter can also be sent explaining
9 this to your employer.

10 As I indicated earlier, the plaintiff has the burden of
11 proof. That means that you must be persuaded, considering all
12 of the evidence in the case, that the proposition on which a
13 party has the burden of proof is more probably true than not
14 true. That is the standard of proof you will use in deciding
15 this case.

16 In determining whether any proposition has been proved,
17 you should consider all of the evidence bearing on the question
18 without regard to which party produced it.

19 Evidence consists of testimony by witnesses and of
20 exhibits that are allowed into evidence. A couple of additional
21 details you should be aware that it is not necessary for the
22 parties or representatives of parties in the case to attend the
23 trial at all times or at all.

24 Finally, you may at times observe that I am busy up
25 here doing things at the bench. I may be working on other cases

1 or matters that I must attend to. You are not to concern
2 yourself with that or think that I'm not listening because I am.

3 You must pay -- you must pay close attention to the
4 evidence because you are the ones who are deciding the facts of
5 the case.

6 All right. With that, I thank you on behalf of our
7 court for being here and giving us your time, effort, and
8 experience.

9 We will now begin by affording the lawyers for each
10 side an opportunity to make their opening statements, in which
11 they may explain the issues in the case and summarize the facts
12 they expect the evidence will show.

13 As I said earlier, the statements that the lawyers make
14 now are not evidence and are not your instruction on the law.

15 Nevertheless, these statements are intended to help you
16 understand the issues and the evidence as it comes in as well as
17 the positions taken by each side.

18 So I ask you now to give the lawyers close attention as
19 I recognize them for purposes of opening statement.

20 We'll first hear from April Preyar for the plaintiff.

21 MS. PREYAR: Thank you, your Honor.

22 When we think of police officers, we think of heroes.
23 They're the boys in blue we call when we're in trouble, when we
24 have a car accident or our houses or garages are broken into.
25 They're the ones we call for help. They're the ones we expect

1 to keep us safe. They're the ones who make us all very proud
2 just by doing their jobs on a daily basis.

3 Unfortunately for Mr. Al Williams, this was not his
4 experience with these particular defendant officers from the
5 Chicago Police Department: Officers Rubald, Leck, and Corcoran.

6 Rather than serve and protect anyone that day, they
7 instead bullied and brutalized Mr. Williams.

8 Good afternoon. My name is April Preyar. And along
9 with fellow counsel, Jared Kosoglad, Brendan Shiller, and John
10 O'Brien, we collectively represent Mr. Al Williams, who is the
11 plaintiff in this matter.

12 We've brought several claims against defendant officers
13 Corcoran, Leck, and Rubald, under violations of both the
14 Fourth Amendment of the United States Constitution and various
15 state laws that offer additional protections.

16 We brought these claims because this is a case about
17 justice, about fairness, and what happens when an unjust and
18 illegal arrest is made.

19 On May 31st, 2007, Al Williams was on his way to visit
20 his Aunt Debbie. Aunt Debbie lived not so far away from Al,
21 actually a few blocks away. And Al is a furniture mover. He's
22 never had a driver's license. He doesn't own a car. He
23 primarily uses the C.T.A. or walking in order to get wherever he
24 needs to go.

25 This particular day he took his bicycle. He was just

1 going a couple of blocks away. Aunt Debbie had told him that
2 there was a relative in town from out of state who wanted to see
3 Al. So Al went over to Aunt Debbie's house to visit with the
4 cousin.

5 He went. After he stayed for a few hours and laughed
6 and talked with family members, he told everyone goodbye. He
7 hopped on his bicycle and rode up from 78th Street to 79th
8 Street. Again, not a far distance.

9 Then he turned onto 79th Street, made a left. And as
10 he was approaching -- traveling eastbound, he saw one of his
11 cousins who was waiting in front of a fast-food joint. She had
12 placed her order, and she was waiting outside for them to call
13 her number or her order name so that she could go pick up her
14 food.

15 They talked for a couple of minutes. He said I'll see
16 you tomorrow. She threw up her hands, said goodbye.

17 Al proceeds to cross the street and continues traveling
18 eastbound. This was the way to his house.

19 As he's traveling, all of a sudden he's blindsided and
20 knocked completely off of his bike. And when I say blindsided,
21 I literally mean blindsided.

22 You see, Al Williams is completely blind in his left
23 eye. He has no peripheral vision at all on the left side of his
24 body. He had no idea what had hit him, who or what had hit him
25 or what had happened.

1 He fell to the ground and tried to get his bearings;
2 but as he tried to get up, he felt someone pulling at his arms
3 and at the same time someone pushing his body down. He keeps
4 trying to turn his head so he can see who it is. They approach
5 from behind. He didn't know who it was. He assumed he must be
6 getting robbed. He doesn't know who it is, so he tries to
7 struggle to get away or turn around to fight, but he can't get a
8 clear view of anybody. So his head is pushed down. A knee is
9 pushed into his back, and next he feels a foot on his neck. And
10 it's not until his arms are placed behind his back and handcuffs
11 are placed on him that he realizes that the people he thought
12 were robbers were actually cops.

13 As he's on the ground, the police officers never give
14 him an opportunity to get up. In fact, as he's trying to get
15 up, he is struck in the head with some object. To this day, he
16 doesn't know what it was. It was cold, hard, and metal. And he
17 starts to feel a lump developing on the side of his head. But,
18 again, police officers never give him an opportunity to stand.
19 He stopped struggling. And they pick him up like a rag doll.
20 They pick him up from his belt loops, from his shoulders, and
21 throw him head-first into the police car.

22 As he reaches the police car, he takes a sigh of
23 relief, he figures this abuse at least has ended. But he only
24 has that relief for a moment or two because one of the officers,
25 defendant Officer Corcoran -- I'm sorry, Rubald, hops in the

1 back seat with him. Sits next to him. Al figures, okay, he's
2 going to ride next to me to the station to make sure I don't do
3 anything. But instead Officer Rubald starts to punch him
4 repeatedly in his abdomen. And he saves the very last punch for
5 the most crucial area, his groin. Al cries out, but there's
6 nothing he can do. He's handcuffed at this time. He's in the
7 back of a squad car. He doesn't really know exactly what just
8 happened. He wasn't doing anything but riding his bicycle.

9 As this was going on, Al's cousin Erica, who he had
10 spoke to briefly down the street in front of the fast-food
11 place, she saw the commotion. She ran down the street to see
12 what was going on, why was it they were stopping her uncle, why
13 was it they were hitting her uncle, why were they standing on
14 his neck, why did they hit him in the head with an object.

15 As she tries to approach, police officers say to her,
16 Get your black ass back before you get arrested, too. So she
17 complies. She's a small woman. There wasn't much she could do.
18 So she did the one thing she knew to do, which was to tell a
19 neighbor kid, Run and get my mom.

20 They can't stop the arrest, but Erica stands there.
21 She waits for her mother Debbie. And together they stand and
22 watch as Al is carried away.

23 Now you would think this would be the end of
24 Mr. Williams' nightmare, but instead this was the beginning of a
25 more than a year and a half long battle to prove his innocence.

1 Because at this point, Mr. Williams is being taken to the police
2 station. He sustained injuries. He has the big knot on his
3 forehead I mentioned before. He has an almost identical knot on
4 his shoulder. He has bruises and he has pain all over.

5 These police officers had taken him to the police
6 station. He still doesn't know why. Once he arrived at the
7 police station, he is finally told that he's being charged with
8 possession of a controlled substance. He doesn't know what
9 controlled substance because he didn't have anything on him.

10 So at this point, Al decides, well, it's time to be
11 quiet, I've been beaten and bullied enough today, I'm just going
12 to be quiet.

13 And from that point, Mr. Williams -- the police
14 officers began their process. They had made a mistake in
15 stopping Mr. Williams in the first place. But rather than
16 correct their mistake, it snowballed, and they have to cover up
17 what they had done. So one mistake was followed by another
18 action followed by another action.

19 So the police officers began their process. They
20 filled out their reports. They signed a complaint against
21 Mr. Williams, a criminal complaint, so that it could proceed in
22 court. They faxed these materials over to the State's
23 Attorney's office. A State's Attorney stood up at the bench and
24 told a judge the lies that the police officer had told him.

25 And, therefore, began the process of Mr. Williams

1 fighting his case for a year and a half.

2 The first 40 days of this battle, the first 40 nights
3 of this battle were spent in Cook County Jail because Al
4 Williams did not have the \$2,000 bond that it took to be bonded
5 out of Cook County Jail.

6 It took 40 days for his family and friends to figure
7 out how they're going to scrape together the money to get him
8 out and they still weren't able to do it. Al didn't have any
9 money.

10 So actually while he was in jail, he was assigned to a
11 free lawyer, a lawyer from the Public Defender's office took his
12 case. And while the two of them crafted the way that they were
13 going to fight the case and talked and discussed their plans for
14 trying to take this to trial, his family reached out to his
15 employer, Mr. Cooper, who you will actually hear from today.
16 And Mr. Cooper felt that Al was so necessary to him that he will
17 put up the money in order to bond him out.

18 So after these 40 days, then Al was then able to fight
19 his case from out of custody.

20 And a year and a half almost later, in July of 2008, Al
21 Williams finally had his not one day, but two days in court. He
22 had a jury trial, much like this. But as the judge told you
23 before, it's a different standard in this courtroom than it was
24 in that one at 26th and California. And after two days of --
25 two days of the jury trial -- and all three of the defendant

1 officers, Corcoran, Leck, and Rubald, all testified against
2 Mr. Williams. Mr. Williams was the sole witness for the
3 defense. And after the jury heard all of the evidence in the
4 case and the numerous witnesses who took the stand to say he had
5 drugs on him that day, no matter the fact that he kept disputing
6 that he ever had drugs on him that day, a jury came back and
7 returned a not guilty verdict against Mr. Williams.

8 They decided, after hearing all of the evidence, that
9 they believed Mr. Williams, not the three defendant officers.

10 Now, as the judge told you before, and I've told you as
11 well, this is not a criminal trial. This is a civil trial. So
12 there's a different burden here. And as the plaintiffs in this
13 matter, we actually have the burden and we proudly carry the
14 burden, and we are convinced that we will meet that burden
15 today.

16 And as the judge suggested to you the burden, the
17 burden is by a preponderance of the evidence. And she already
18 actually referred you to the scales of justice where you see
19 Lady Justice with the two scales and they're evenly balanced.

20 And one way to think of a preponderance standard is
21 placing a feather on just one side of that scale. It's not as
22 high of a burden as the reasonable doubt standard, which is the
23 highest in the land, possibly the highest in the world. It's
24 not that burden. It's a much lower burden. And the burden that
25 we carry is a preponderance of the evidence that it is more

1 likely than not that these police officers are liable for their
2 actions against Mr. Al Williams that day; that they're liable
3 for hitting him in the head; that they're liable for standing on
4 his neck; that they're liable for punching him in his stomach
5 and in his groin; and then for initiating and proceeding this
6 unlawful arrest; for going forward with the unlawful
7 prosecution, when they could have stopped at any various stages
8 along and said you know what, what's been going on here is
9 simply not right.

10 So what we're asking you to do is to do the right
11 thing, is to look at this as a matter of justice and fairness --

12 MR. JONES: Judge, I would object. This is arguing
13 now.

14 THE COURT: Yes.

15 MS. PREYAR: I'll move on, Judge.

16 THE COURT: Okay.

17 MS. PREYAR: And we're certain that after you hear all
18 of the evidence in this matter that you'll return the only
19 verdict that protects those liberties set forth in the
20 U.S. Constitution under the Fourth Amendment, the liberties that
21 allow us to be safe in our homes, persons, and effects at all
22 times from illegal searches and seizures, because Mr. Williams
23 simply was not that day.

24 And in conclusion, again, when we think about police
25 officers, we think about heroes. And I'm sure we'd like to

1 continue --

2 MR. JONES: Judge, I'm going to object. This is
3 argument.

4 THE COURT: I think it's pretty -- it can be argument.
5 We'll say it's argument.

6 MS. PREYAR: Okay. We're convinced that after you hear
7 all of the evidence in this matter that you'll return the only
8 verdict possible against these defendant officers Rubald,
9 Corcoran, and Leck, and that is a finding of liability on all
10 counts.

11 Thank you.

12 THE COURT: Thank you, Miss Preyar. Sorry I
13 mispronounced your name.

14 Mr. Jones?

15 MR. JONES: Yes, your Honor.

16 May it please the Court, Ladies and Gentlemen of the
17 Jury, Counsel.

18 It is my pleasure, along with Jorge Cazares, Uma
19 Chandrasekaran, to represent these police officers.

20 In fact, before I begin, I'd like to introduce these
21 police officers to you because each of these police officers is
22 going to testify.

23 First I'd like to introduce you to Officer Zachary
24 Rubald. Thank you, Officer.

25 He will tell you when he testifies that he's a native

1 Chicagoan, who graduated from North Park College, and he's been
2 a police officer for nine years.

3 Second, I'd like to introduce to you Officer Scott
4 Leck. Officer Leck will tell you that he hails from Wisconsin,
5 where he graduated from St. Xavier University. In Wisconsin, he
6 was a police officer for one year before coming to Chicago,
7 where he's been a police officer all that time except for the
8 one year that he was stationed in Iraq as a United States
9 Marine.

10 Third, I would introduce you to Brendan Corcoran. He
11 will tell you that he grew up on the south side of Chicago, that
12 he graduated from Eastern University Illinois, and has been a
13 Chicago police officer for ten years.

14 You know, by listening to us, you know from the outset
15 of this case, that we have emphatically asserted our innocence,
16 and that these police officers will tell you and the evidence
17 will --

18 MS. PREYAR: Judge, that's not the standard. It's not
19 a matter --

20 MR. JONES: I'm telling what the officers are going to
21 tell them, Judge.

22 THE COURT: I'm sorry?

23 MS. PREYAR: My objection was that's not the standard.
24 He said we're asserting our innocence. It's a matter of
25 liability, not guilt or innocence.

1 THE COURT: All right.

2 MR. JONES: However she wants to put it. We're telling
3 you we didn't do it. And the evidence will substantiate that.
4 And the evidence will substantiate that they didn't maliciously
5 prosecute anyone.

6 Now, just like Counsel said to you, before I begin this
7 in-depth review of the case, let me just give you this moment
8 perspective like Counsel did.

9 In deciding this case, you're not going to be asked to
10 retry the criminal trial. I'll talk to you about that a little
11 bit later.

12 You are going to be asked to make two critical
13 assessments.

14 The first assessment that you're going to be asked to
15 make is: Did the police officers have probable cause to arrest
16 Mr. Williams? That is, did they have reasonable grounds to
17 believe that Mr. Williams committed those crimes, either one of
18 the two, either resisting arrest or possessing narcotics.

19 And the second assessment that you will be asked to
20 make is the allegation of malicious prosecution itself. It is
21 the issue of malice. You will have to determine is there any
22 evidence in this case that the police officers conspired to
23 bring these charges against Mr. Williams other than the belief
24 that he was guilty of the charges themselves.

25 We will tell you, and the evidence will show, that the

1 evidence amassed against Mr. Williams at the time of his arrest,
2 that you will be the people who will determine the credibility
3 this time, clearly establishes probable cause.

4 The evidence will show you that none of these witnesses
5 knew Mr. Williams on the day of the arrest. None of them had
6 any ax to grind with Mr. Williams. And in that context, there
7 will not be a shred of evidence that will show that they joined
8 in some conspiracy to violate Mr. Williams' rights.

9 Now, let's focus in depth on what happens this day,
10 May 31st, 2007.

11 On this evening, at 8:15, approximately 8:15,
12 Officers Rubald, Leck, and Corcoran, along with two other
13 officers who are not here, Officers Gentzle and Officer Jaros,
14 were assigned to the area on East 79th Street.

15 These officers belong to a special unit that rove from
16 day to day, depending upon the identification of spikes in crime
17 in their particular neighborhood.

18 Now, on this particular evening, these officers did
19 their tour of duty in two separate cars.

20 Officers Rubald and Officer Leck rode in their own
21 individual car. Now, mind you, now I want you to keep in mind,
22 these cars were marked cars. While these officers are here
23 today in suit and tie, they were in uniform that day.

24 Officer Corcoran rode with two other officers, Gentzle
25 and Jaros. And what they did this particular day was they split

1 the cars up, and they were in the same vicinity within radio
2 operation of each other.

3 Somewhere around 8:15, Officers Rubald and Leck drove
4 north on a street called Greenfield.

5 Now, they've got all kind of high-tech stuff in this
6 courtroom; but as you notice, I'm the old guy and I'm old
7 school, and I'll leave it up to the younger ones to put things
8 on the board.

9 But let me just show you -- the first exhibit I'm going
10 to show you is an exhibit Defendants' 3 -- let me turn it the
11 right way -- to show you what was going on on this particular
12 evening.

13 What Officers Leck and Rubald do is they are driving
14 north on Greenwood. And somewhere in the middle of Greenwood,
15 about 30 -- let's say about 30 feet before they get to 79th
16 Street, a concerned citizen, a black woman comes up to them,
17 while Officer Leck is driving, Officer Rubald is in the
18 passenger side, and she says to them, Officers, there's someone
19 up the street on 79th Street who is serving. Now, this thing
20 "serving" is a term that's used in the neighborhood meaning that
21 he's serving narcotics. And the woman describes it, she says,
22 Look, he is a black guy, he's got on a red shirt, and he's on
23 a -- he's got a bicycle.

24 So Officers Leck and Rubald -- the reason they're
25 traveling up the wrong side of the street is because it's good

1 police procedure. It catches the bad guys off guard. So they
2 go up to 79th Street. They immediately look both ways. They
3 look east 79th Street, they look west 79th Street.

4 And what do they see? They see over here on the east
5 side of 79th Street, they see Mr. Williams, whose got a big red
6 shirt that I'm going to show you in a second, and is on a
7 child's bicycle, and they see him crossing the street.

8 And what they do is -- they see him crossing the street
9 over -- this is a large sidewalk. And so they immediately take
10 their car all the way from 79th Street, they travel west on 79th
11 Street. They come up right behind right here on this sidewalk
12 because they see him coming. And they want to block his path
13 because this woman has told them, there's somebody serving on
14 79th Street.

15 Let me show you Defendant's Exhibit 4 so you get a
16 better idea of what's going on here.

17 Now, this is Greenwood that they're coming up. This is
18 the sidewalk right here as they were traveling.

19 What they do is they take their cars and they put the
20 car on the sidewalk. And what they do is they block it
21 diagonally so that Mr. William -- so that they can block his
22 getting around them. Right there on the sidewalk. As you can
23 see, this sidewalk can hold a couple of cars. But they put it
24 right about here, and they block it diagonally so as to attempt
25 to stop Mr. Williams.

1 But what does Mr. Williams do?

2 Mr. Williams, who is riding that bicycle, instead of
3 stopping -- and mind you, Officer -- Officer Rubald is almost as
4 close as I am to you, Ladies and Gentlemen. He's close
5 enough -- he's got that bicycle to almost put his hands out and
6 reach it.

7 But what Mr. Williams does is he tries to scoot around
8 the officers riding that bicycle.

9 And what happens to him is he bangs into this pole.
10 And when he bangs into that pole, out of his hands drops the
11 first packet, which is a clear plastic bag that looks like to
12 the officers that it's crack cocaine. So while he's stopped
13 there, Officer Rubald jumps out of the car. Officer Leck also
14 jumps out of the car. And they immediately -- they pick up the
15 packet. They take Mr. Williams by his arm back over to the car.
16 They turn him around and they said, Look, you're under arrest
17 and we're going to put the handcuffs on you.

18 Now, Ladies and Gentlemen, that's when all hell breaks
19 out because what Mr. Williams will not allow them to do is he
20 will not allow them to handcuff him.

21 Now, he starts stiffening his arms. He starts flailing
22 his arms. He absolutely will not do that.

23 Now, let me tell you this. There's an account here,
24 we're going to show you, there's no excessive arrest here
25 because the officers never hit him. Now you take a look at

1 these officers. Now, if they really wanted to stop him, they
2 would have knocked him out. They would have done -- never did
3 any of that.

4 What Officer Rubald decides that he has to do, because
5 he will not be handcuffed, is Officer Rubald manages to trip him
6 so that they can finally put the cuffs on him.

7 And what -- and what happens in the interim -- and mind
8 you, this whole thing only takes about a minute and a half.

9 That's it. I mean, there is no guns are ever drawn on him.

10 He's never punched out there in the street. There were a lot of
11 ways if he wanted to be excessive to bring him down, but they
12 didn't do that. No guns were ever drawn on him. And

13 Officer Corcoran, who is in another car, Officer Leck calls, to
14 the other guys in the car, and he calls -- Officer Corcoran
15 comes running up. By the time Officer Corcoran gets there, they
16 finally got the cuffs on him.

17 And what you're going to hear is the reason they do all
18 of this is that nothing was ever done to him except trying to
19 put those cuffs on him.

20 Now, Mr. Williams finally is subdued and he is --
21 finally the cuffs are finally put on him, but he still won't
22 stop fighting. He won't get into the squad car. He won't let
23 his legs be put in. And they're finally trying to get him in,
24 and they finally do.

25 The only injury that Mr. Williams suffers is an injury

1 to his forehead, which is an abrasion.

2 Now let me show you this. This is Mr. Williams on
3 May 31st, 2007.

4 Excuse me for a second while I clean this up. All
5 right.

6 The only issue -- the only injury, and we'll talk about
7 this, the only injury he suffers is an abrasion to the forehead.
8 And he would not have gotten that abrasion to the forehead if he
9 had not been struggling with the police or refused to submit.

10 At the station, Mr. Williams was processed by an
11 independent group of police officers that you're going to hear
12 in this trial from.

13 And those police officers, they fingerprinted him, they
14 photographed him, and they made observations around -- about the
15 abrasion on his forehead.

16 And significantly, Ladies and Gentlemen, they ask him
17 whether he wanted medical treatment of any kind. And I'm going
18 to talk a little bit later about that because it goes to the
19 crux of their case. Mr. Williams refused any medical treatment.

20 Now, we'll tell you this, that the crack cocaine -- oh,
21 I forgot one other thing, that when they stood Mr. Williams up,
22 as they were wrestling, they finally got him to the car.
23 Officer Rubald reached into his other pants pocket and came out
24 with another envelope, a little -- that plastic containing crack
25 cocaine, had total pieces of crack cocaine, 1.5 grams totaling

1 somewhere between \$3300 street value. And the crime laboratory
2 in this particular case found that it was crack cocaine.

3 Now, I want to get to Counsel's point, and I'll tell
4 you what the evidence is going to show. There's no question,
5 yes, in this particular case, this jury acquitted him of the
6 crack cocaine. He was never tried, I might say, for resisting
7 arrest. I say to you that, yes, acquittal, however, doesn't
8 mean that he didn't do it or that he was innocent. And while it
9 is --

10 MS. PREYAR: Judge, that's argument.

11 THE COURT: All right.

12 MR. JONES: All right. Well, it's not our burden in
13 this case -- I'll tell you what, we're going to put enough
14 evidence on in this case to show you that he did.

15 Now, just remember that in this case we've talked
16 about -- we're going to do that despite that the legal burdens
17 are different. Here all we have to do is show that the officers
18 had probable cause to make the arrest.

19 Now, as Counsel for the defense has told you, they
20 premised this whole case on this fact: They say to you somehow
21 that when these officers got to the station that they decided
22 that Mr. Williams' injuries were so severe that they had to make
23 up this whole story, that somehow because his injuries are so
24 severe that they had to plant cocaine on him.

25 The evidence will show you that this is absolutely

1 absurd.

2 First, the only injury suffered was an abrasion. You
3 will hear that that injury was never bandaged, it was never
4 stitched, it was never x-rayed. There was never, because the
5 injury was so minor, there was never anything done with this
6 particular injury.

7 Now, the officers -- to show you, as the evidence will
8 show that this is absurd, as I said, the officers had never met
9 Mr. Williams prior to May 31st, 2007. By his own admission,
10 they were not attempting to get evidence out of him. Nobody
11 ever tried to jump on him and say we're going to make you
12 confess to something. None of that happened.

13 Better yet, the evidence will show that Mr. Williams
14 knew that he hadn't received any injuries.

15 First, when he got to the station, he was asked by
16 Officer Rubald whether he wanted any medical treatment.

17 Officer Rubald documented in the reports that he said,
18 no, he didn't want to.

19 But even better than that, Ladies and Gentlemen of the
20 Jury, we're going to bring in, this case, we're going to bring
21 in two officers who were in the lock-up. And significantly
22 there's no issue of race here. These two officers, who didn't
23 know these three white officers from Adam, happened to be
24 African-Americans, and these two officers are going to tell you
25 that they remember Mr. Williams because he was cursing and

1 having such -- he was so outlandish, but they remember him, and
2 they specifically noted in their notes, they asked him whether
3 he wanted any medical treatment, and he said no.

4 And then, thirdly, we're going to bring in to this
5 trial, so that you can get all the facts, we're going to bring
6 in the watch commander who was there that night, Officer
7 Brundage, who goes back into Mr. Williams' cell and asks him do
8 you want any medical treatment of any kind? And of course he
9 refuses for the third and fourth time.

10 And even when Mr. Williams is sent over finally to the
11 Cook County Jail, they take a look at his injuries. They come
12 up -- the only thing they put -- they don't treat him for
13 anything. They say he's got an abrasion to the forehead.
14 You'll see those records.

15 We will say to you and we believe clearly that the
16 evidence will show during the course of this trial that
17 Mr. Williams' claims are false; that he has lied, repeatedly;
18 and that the officers in this case were absolutely correct and
19 that they had probable cause to effectuate his arrest.

20 At the conclusion of this case, we're going to ask you
21 to come in and find the three of my clients not liable for any
22 of the claims that he has made.

23 Thank you, your Honor.

24 (Clerk conferring with Judge Lefkow.)

25 THE CLERK: Would anybody like a notebook?

1 (Clerk distributing notebooks.)

2 MR. SHILLER: Your Honor, plaintiffs call Richard
3 Cooper.

4 THE COURT: Just a moment here.

5 (Witness enters courtroom.)

6 THE COURT: Step up here to the witness stand. And
7 before you sit down, we'll ask that you raise your right hand
8 and be sworn.

9 (Witness duly sworn.)

10 THE CLERK: Thank you. Be seated. Right there, the
11 black seat.

12 THE COURT: Right there.

13 RICHARD COOPER, PLAINTIFF'S WITNESS, SWORN

14 DIRECT EXAMINATION

15 BY MR. SHILLER:

16 Q Good afternoon. Can you state your name and spell it for
17 the court reporter?

18 A Richard D. Cooper. R-I-C-H-A-R-D. C-O-O-P-E-R.

19 Q How old are you, Mr. Cooper?

20 A How old am I?

21 Q Yes.

22 A 82, sir.

23 Q And what do you do for a living?

24 A I'm in the moving business.

25 Q Okay. By being in the moving business, what does that mean?

Cooper - Direct

1 What do you do?

2 A I do moving.

3 Q Okay. Do you own the business?

4 A I'm one of them, yeah.

5 Q What's the name of the business?

6 A Cooper's Movers.

7 Q Okay. Do you know Al Williams?

8 A Do I what?

9 Q Do you know Al Williams?

10 A Yes, sir.

11 Q How do you know him?

12 A Well, he works for us.

13 Q Okay. How long has he worked for you?

14 A Oh, for about ten years or better or so.

15 Q Okay. Was he working for you in May of 2007?

16 A Yes, he was, sir.

17 Q Okay. Did something occur in May of 2007 that prevented him
18 from working for you for a little while?

19 A Well, I think he was in jail. He got locked up temporarily.

20 Q Okay. Do you have an estimation on how much in lost wages
21 Mr. Williams lost when he was locked up?

22 A Oh, I'd say 4 or \$500.

23 Q Okay. And do you know -- do you know how Mr. Williams
24 eventually got out of jail?

25 A How is that?

Cooper - Direct

1 Q Do you know how Mr. Williams eventually got out of jail?

2 A Yes, sir.

3 Q How?

4 A I put up a bond for him.

5 Q Okay. I just want to ask a couple other questions.

6 Do you have any payroll records for Mr. Williams?

7 A No, sir, I don't.

8 Q Why not?

9 A Well, we don't -- we don't -- we don't -- we -- we're not
10 adequate enough to keep records. We're not that big.

11 Q So is it fair to say you paid Mr. Williams in cash?

12 A Yes, sir.

13 Q Okay.

14 MR. SHILLER: Can I have one moment, your Honor?

15 (Counsel conferring.)

16 MR. SHILLER: I have nothing further.

17 MR. JONES: Just a second, Judge.

18 CROSS-EXAMINATION

19 BY MR. JONES:

20 Q Good afternoon, Mr. Cooper.

21 A Yes, sir, how are you?

22 Q Fine. How are you today?

23 A Good.

24 Q Well, let me see if I got this right.

25 As I understand it, you don't have any records that

Cooper - Cross

1 would verify that Mr. Williams ever worked for you a day in his
2 life; is that correct?

3 A No, sir, we don't have any records.

4 Q Don't have any.

5 In fact, let's just cut through this.

6 You don't have any records indicating the hours or the
7 days he ever worked, right?

8 A No, sir. We don't -- we don't -- we don't keep records.
9 We're not adequate to --

10 Q No, just listen to my question because I'm going to go
11 through them all with you.

12 A Ah-ha.

13 Q You don't have any records regarding ever giving this man a
14 W-2, do you?

15 A No, sir.

16 Q In fact, it would probably be safe to say you never gave him
17 a W-2, right?

18 A That's right, sir.

19 Q In fact, the truth of the matter is you don't have any
20 records indicating he ever got a 1099, right?

21 A That's right, sir.

22 Q All right. You have no records indicating any application
23 for employment, do you?

24 A No, sir.

25 Q You don't have any records indicating payroll records for

Cooper - Cross

1 this man, do you?

2 A That's right.

3 Q You don't have any records that would talk to you about what
4 his job description was, do you?

5 A That's right, sir.

6 Q And this moving business that you say that you own, sir, you
7 don't even have a receptionist at this business, do you?

8 A Not now, sir, no.

9 Q And even -- you know, you gave a deposition in this case,
10 you remember that?

11 You remember you were brought in and you had -- it
12 wasn't me, but you probably had to talk to one of my lawyers,
13 probably Uma Chandrasekaran, do you remember that?

14 A Yes, sir.

15 Q And you even admitted that the truth of the matter is that
16 Mr. Williams seldom worked for you, isn't that what you told us?

17 A Yes, sir. Ah-ha.

18 Q And you also told us that if Mr. Williams worked for you two
19 days a week, that was doing good; isn't that what you told us?

20 A Yes, sir.

21 Q And because you don't have any records of any kind regarding
22 Mr. Williams, you can't tell us what days he worked, if any,
23 during 2007, can you?

24 A No, sir, I can't.

25 Q And I got to, because you don't keep payroll records and the

Cooper - Cross

1 rest of that, you can't even really pay taxes yourself, can you?

2 A That's correct, sir.

3 MR. SHILLER: Objection.

4 THE COURT: Sustained.

5 MR. JONES: One second, Judge.

6 (Counsel conferring.)

7 MR. JONES: I don't have anything further, Judge.

8 THE COURT: All right.

9 MR. SHILLER: Just one question.

10 REDIRECT EXAMINATION

11 BY MR. SHILLER:

12 Q Mr. Cooper, counsel asked you if you had any records to show
13 Mr. Williams' job description.

14 What was Mr. Williams' job description?

15 A How is that, sir?

16 Q What was Mr. Williams' job description?

17 A What was his job?

18 Q Yeah.

19 A He helped us move furnitures.

20 Q Okay, thank you. I have no --

21 MR. JONES: I do have a question then, Judge.

22 RECROSS-EXAMINATION

23 BY MR. JONES:

24 Q So at best, Mr. Williams would be what you would call a
25 helper, right?

Cooper - Recross

1 A Yes, sir.

2 Q Under no stretch of the imagination would you call him a
3 professional mover, would you?

4 A Well, he knows how to move, sir.

5 Q Well, would you call him a professional mover?

6 A He's a good mover.

7 Q Whenever it was that he worked.

8 A Yes, sir.

9 Q All right. I don't have anything further, Judge.

10 MR. SHILLER: Nothing further, your Honor.

11 THE COURT: All right then. Mr. Cooper, thank you for
12 coming in and giving us your testimony.

13 THE WITNESS: Yes, ma'am.

14 THE COURT: You're excused.

15 THE WITNESS: Thank you, Judge.

16 (Witness excused.)

17 (Counsel conferring.)

18 MR. SHILLER: Your Honor, we call Al Williams.

19 THE COURT: All right.

20 Good afternoon, sir.

21 Raise your right hand and be sworn.

22 (Witness duly sworn.)

23 THE COURT: You can sit down.

24 AL WILLIAMS, PLAINTIFF'S WITNESS, SWORN

25 DIRECT EXAMINATION

Al Williams - Direct

1 BY MR. SHILLER:

2 Q Can you state your name and spell it for the court reporter,
3 please?

4 A Al Steve Williams. A-L. S-T-E-V-E. W-I-L-L-I-A-M-S.

5 THE COURT: Mr. Williams, you might want to adjust that
6 a little so it's more comfortable. And if your chair -- if you
7 want to stand up to move your chair, just make sure that --

8 THE WITNESS: Thank you.

9 THE COURT: -- you're not distracted by -- there, that
10 looks a lot better.

11 BY MR. SHILLER:

12 Q How old are you, Al?

13 A 39.

14 Q Where were you born?

15 A Chicago.

16 Q Where did you grow up?

17 A Inside of 79th Street.

18 Q Okay. Where do you live now?

19 A 7937 South Kimbark.

20 Q Okay. And what do you do for a living?

21 A Move furniture.

22 Q And what's your educational level?

23 A Tenth grade.

24 Q Okay. And what's your marital status?

25 A I'm single.

Al Williams - Direct

1 Q Okay. Are you -- do you have a girlfriend?

2 A Yes.

3 Q Okay. What's her name?

4 A Joyce Floyd.

5 Q Do you have any children?

6 A Yes.

7 Q What are their names?

8 A Al Clark. Antonio Clark. Isaiah Clark. And Chianti
9 (phonetic) Adams.

10 Q How old is Al Clark?

11 A 21.

12 Q How old is Antonio?

13 A 20.

14 Q I'm sorry, what was the third child?

15 A Isaiah.

16 Q How old is Isaiah?

17 A 19.

18 Q And, I'm sorry, what was the fourth child?

19 A Chianti.

20 Q How old is Chianti?

21 A 13.

22 Q Okay. And you got any brothers and sisters?

23 A One brother.

24 Q What's his name?

25 A David Williams.

Al Williams - Direct

1 Q Got any cousins?

2 A A lot of them.

3 Q Okay. You got any cousins who are here with you today in
4 this building?

5 A Yes, sir.

6 Q Who is that?

7 A Erica Rucker.

8 Q Okay. And you got any aunts or uncles?

9 A Yes. Debbie Williams.

10 Q Besides the one that's here in the building with you
11 today --

12 A A lot of them.

13 Q Okay. Do you have a driver's license?

14 A No, sir.

15 Q Have you ever had a driver's license?

16 A No, sir.

17 Q Do you have a bank account?

18 A No, sir.

19 Q You already heard the testimony about Cooper -- how -- how
20 did you used to get paid?

21 A By cash.

22 Q Did you file taxes?

23 A Yes, I did.

24 Q So you reported that?

25 A Yeah.

Al Williams - Direct

1 Q And do you have any health insurance?

2 A No, sir.

3 Q Okay. Do you have any physical problems?

4 A I'm blind in my left eye.

5 Q How did you get blind in your left eye?

6 A During October the 31st of 2006, I was coming from the
7 grocery store and I was headed home, and someone rode up in a
8 car and shot me in the eye with a paintball gun.

9 Q Let's slow down. That was Halloween 2006?

10 A Yes, sir.

11 Q So it was about six months before this incident we're here
12 for today?

13 A Yes.

14 Q And you had -- and where did this happen at? Where did you
15 get shot in the eye at?

16 A 79th and Dobson.

17 Q Okay. Where is Dobson relative to Ellis?

18 A A block, a block after Ellis.

19 Q A block which way, do you know?

20 A A block -- a block going east.

21 Q Okay. Where is Dobson relative to Greenwood?

22 A A block going east.

23 Q Of what?

24 A 79th Street.

25 Q Greenwood is a block goes east of what? Dobson?

Al Williams - Direct

1 A Yes.

2 Q Okay. Where is Kimbark relative to all three of these
3 streets?

4 A Kimbark is maybe four -- four or five blocks from Dobson and
5 Greenwood.

6 Q Okay. Briefly, before we start talking about May 31st,
7 since you lost your eye in October -- on Halloween of 2006, did
8 that have any impact on your ability to see?

9 A Yes, sir.

10 Q Did it have an impact on your depth perception?

11 A Yes, sir.

12 Q Explain that impact.

13 A Well, mostly, you know, I can't see out of this eye, so I
14 can't see nothing on this side. Only I can see basically
15 forward ahead or to the right.

16 Q Okay. Did it have an impact on -- strike that.

17 What were you doing May 31st, 2007, when the day
18 started?

19 A I was at home with my girlfriend, Joyce.

20 Q Okay. And where was home at that time?

21 A 1049 East 80th Street.

22 Q Okay. 1049 East, what's the next closest major street to
23 that?

24 A Greenwood.

25 Q Is it safe to say 80th Street is one block away from 79th

Al Williams - Direct

1 Street?

2 A Yes.

3 Q Did you get up and leave at some point in the day?

4 A Yes, I did.

5 Q Why?

6 A I got a phone call from my Auntie Debbie telling me that my
7 cousin was in town from Minnesota, and she wanted to see me
8 before she left.

9 Q Okay. What's your cousin's name?

10 A Renee Johnson.

11 Q So what did you do?

12 A I got on my bike and I told Joyce I was going over to Debbie
13 house.

14 Q Okay. Where was Debbie's house, sir?

15 A 78th and Ingleside.

16 Q Where is Ingleside relative to Ellis?

17 A Ingleside is the next block from Ellis.

18 Q The next block in which direction?

19 A Going west.

20 Q Okay. So just correct me if I'm wrong, it goes Ingleside,
21 Ellis, Dobson, Greenwood.

22 A Yes.

23 Q Going from west to east?

24 A Yes.

25 Q And -- and, I'm sorry, where did you say she was at? 78th

Al Williams - Direct

1 and Ingleside?

2 A Yes, sir.

3 Q So how long were you at your Aunt Debbie's house?

4 A Couple of hours.

5 Q What were you doing?

6 A Sitting there talking, you know, talking about the days when
7 we grew up and everything.

8 Q Who all was there?

9 A My aunt. Her husband. And all her children.

10 Q Okay. Did you leave at some point in time?

11 A Yes.

12 Q Where were you going?

13 A Back home.

14 Q Okay. Did you do anything before you left?

15 A No, not really. I told them I was going to go home and I'd
16 talk to them the next day.

17 Q Okay. Did you call anybody?

18 A I called Joyce and told her I was on my way home.

19 Q Okay. Do you know about what time that was?

20 A Around about 5:00 or 5:15.

21 Q Okay. And then after you called Joyce, what did you do?

22 A I got on my bike and I left out of the house to go home.

23 Q Okay. Initially I'm going to show you -- I'm going to show
24 you -- it's not -- just you can see it for now. Exhibit 14C.

25 Do you recognize that, what that picture -- can you see

Al Williams - Direct

1 it on your screen? Can you see it on the screen?

2 A No, sir.

3 MR. SHILLER: Judge, how do I --

4 THE COURT: Let me see if I can figure it out here.

5 MR. SHILLER: I can approach. I was just trying to use
6 the courtroom technology.

7 (Brief pause.)

8 THE COURT: Now it should be available only to the
9 witness.

10 MR. SHILLER: Is it?

11 THE COURT: Yes.

12 BY MR. SHILLER:

13 Q Can you see it on the screen, Al?

14 A Yes.

15 Q Do you recognize that?

16 A Yes.

17 Q What's that a picture of?

18 A That's the corner, north side of 79th and Ingleside.

19 Q Okay. Does that picture -- I'm sorry, which direction is
20 that looking in? Do you know?

21 A It's looking going towards east.

22 Q Okay. And does that picture truly and accurately depict the
23 north side of Ingleside and 79th looking east as it was in May
24 of 2007?

25 A Yes, sir.

Al Williams - Direct

1 MR. SHILLER: We would ask to admit and to publish
2 Exhibit 14C for a second.

3 MR. JONES: Judge, we don't have any objection.

4 THE COURT: All right. Exhibit is received in
5 evidence.

6 (Plaintiff's Exhibit 14C received in evidence.)

7 THE COURT: You may publish.

8 (Said exhibit published to the jury.)

9 MR. SHILLER: They got this little high-tech thing on
10 this computer. I believe you can actually touch and make lines.

11 BY MR. SHILLER:

12 Q Can you point out to the jury which direction you were
13 coming from when you were coming up Ingleside on your bike?

14 A This -- put on the screen you say?

15 Q I think if you touch the screen and you draw your finger
16 along it, it will actually make a line. Or maybe not.

17 THE COURT: He hasn't touched it yet.

18 BY MR. SHILLER:

19 Q Are you touching the screen?

20 A Uh-hum.

21 Q Okay. It's not working?

22 Can you -- well, can you describe, were you going --
23 describe going from left to right or right to left which
24 direction were you coming from?

25 A Came from the 78th side of Ingleside to 79th and made a left

Al Williams - Direct

1 going east.

2 Q Okay. Is it safe to say that you came up this direction
3 like this, on Ingleside to 79th?

4 A Yes.

5 Q Okay. And then after you did that, you made a left to go
6 down --

7 MR. JONES: Objection. Leading, Judge. Let him tell
8 us what he did.

9 MR. SHILLER: I'm sorry, I was --

10 THE COURT: You see, there is a mark on the screen now
11 so ...

12 MR. SHILLER: Can I have him step down and point out on
13 the screen since I can't have him use the technology on the
14 computer?

15 THE COURT: Yes. It was working though.

16 MR. SHILLER: Can you step down?

17 (Witness complies.)

18 BY MR. SHILLER:

19 Q Can you show the jury, pointing on the picture, the
20 direction you took coming from 78th and Ingleside to this
21 corner?

22 A Came from 78th and Ingleside to this corner here, and I made
23 a left, going straight up on the sidewalk, towards -- towards
24 the east, north side of the street.

25 Q Okay. And that direction, going into the picture, that's

Al Williams - Direct

1 going east?

2 A Yes, sir.

3 Q Okay. Have a seat. I'm going to grab another picture. And
4 we'll just keep doing it that way.

5 (Witness complies.)

6 Q Okay. When you were going east, you were on the sidewalk?

7 A Yes, sir.

8 Q Was there any particular reason you were traveling on the
9 sidewalk?

10 A Due to the injury to my eye, I can't see well, so I was
11 trying to be careful instead of riding in the streets.

12 Q Okay. And were there any people on the sidewalk?

13 A Yes, there was a few people.

14 Q Okay. And, I'm sorry, what did you say is the next street
15 after -- the next street after Ingleside going east?

16 A That would be Ellis.

17 Q Okay. I'm showing you --

18 (Counsel conferring.)

19 Q I'm showing you what was previously marked as 14D.

20 Do you recognize that -- what that's a picture of?

21 A Yes.

22 Q What is that a picture of?

23 A That's showing the front of 79th Street.

24 Q Looking in what direction?

25 A Going -- looking in the west direction.

Al Williams - Direct

1 Q Okay. What's the -- what's the biggest street you see
2 there? If any.

3 A 79th Street.

4 Q Okay. What's the biggest north-south street you see, if
5 any?

6 A That would be -- can you ask that question again, please?

7 Q Sure.

8 Can you tell what that north -- what the street is with
9 the lights on it?

10 A It would be Ellis right there.

11 Q Okay. And does this pictures truly and accurately depict
12 79th by Ellis as it was in May of 2007?

13 A Yes, sir.

14 MR. SHILLER: I'd ask that the picture be admitted and
15 published to the jury.

16 MR. JONES: I don't have any objection, Judge.

17 THE COURT: All right.

18 (Plaintiff's Exhibit 14D received in evidence.)

19 THE COURT: You may publish.

20 Let's see here. Turn it on.

21 (Said exhibit published to the jury.)

22 MR. SHILLER: Can the witness step down, please?

23 THE COURT: Yes. Would you put your finger on there
24 and see if it works now, if you just mark it?

25 THE WITNESS: (Indicating.)

Al Williams - Direct

1 THE COURT: Yeah, I think it will work.

2 BY MR. SHILLER:

3 Q Al, which direction is this picture looking?

4 A West.

5 Q Okay. And what was on the -- at this time, in May of 2007,
6 what was on the northwest corner of 79th and Ellis?

7 A That would be a small mini-mart store and a fast-food
8 restaurant called Billy Boy's.

9 Q Okay. Can you point to where the mini-mart store was at?

10 A Right at the corner, right there, where the first red --
11 where my finger there, where the red and yellow sign right there
12 on the corner.

13 Q Can you point to where the Billy Boy's --

14 A On the opposite sign, where the other sign at, on here.

15 Q Okay. On 79th itself?

16 A Yes.

17 Q Okay. And can you show the route you took in that picture
18 when you turned onto the sidewalk from Ingleside and started
19 going east?

20 A Yes. I came straight up on the north side of -- I came
21 straight up on the north side of -- on the side of the street,
22 and I crossed the street at the light, right here on the corner
23 from this store. Came across, by where the bus is. I came
24 across the other side of the sidewalk.

25 Q Okay. Did you do anything before you crossed the street and

Al Williams - Direct

1 came across to the sidewalk?

2 A Yes.

3 Q What was that?

4 A I saw my cousin Erica standing by the fast-food restaurant,
5 and I spoke to her for two minutes.

6 Q Okay. And then what -- and then what did you do?

7 A I told her I'll see you tomorrow and proceed to head home.

8 Q And after you crossed there at the sidewalk, then what route
9 did you take?

10 A At that -- after I crossed at the sidewalk, to the south
11 side of the street, I was headed east, but I didn't make it that
12 far.

13 Q Okay. Before we go there, I'm going to show you a couple
14 other pictures, and then we're going to come back to this
15 picture, okay?

16 I just want to show you one or two other pictures and
17 then we'll come back.

18 (Counsel conferring.)

19 Q I'm showing you what was previously marked as 14H.

20 We're doing this out of order just to make everybody's
21 life confusing -- I'm sorry, you want -- you've got to turn off
22 the screen.

23 THE COURT: (Indicating.)

24 BY MR. SHILLER:

25 Q Can you tell what that's a picture of?

Al Williams - Direct

1 A Yes.

2 Q What is that a picture of?

3 A Showing picture of the south side of 79th Street.

4 Q 79th and what street?

5 A That's between Dobson and Greenwood.

6 Q Okay. And does that truly and accurately depict the corner
7 of 79th and -- 79th between Dobson and Greenwood as it was in
8 May of 2007?

9 A Yes, sir.

10 MR. SHILLER: Okay. I'd ask that it be admitted and
11 published.

12 MR. JONES: Not a problem, Judge.

13 THE COURT: All right.

14 (Plaintiff's Exhibit 14H received in evidence.)

15 (Said exhibit published to the jury.)

16 BY MR. SHILLER:

17 Q What is that big space that's on the left side of that
18 picture?

19 A Pardon me?

20 Q What is that big space that's on the left side of that
21 picture?

22 A That's a vacant lot.

23 Q Was that vacant lot there in May of 2007?

24 A Yes.

25 Q Okay.

Al Williams - Direct

1 MR. SHILLER: Can you turn that off for a minute, your
2 Honor, please?

3 THE COURT: All right. (Indicating.)

4 BY MR. SHILLER:

5 Q I'm showing you 14I. What's that a picture of?

6 A Picture of 79th Street right off of Greenwood.

7 Q Okay. Does that picture truly and accurately depict 79th
8 right off of Greenwood as it was in May of 2007?

9 A Yes, sir.

10 MR. SHILLER: I ask that be admitted and published.

11 MR. JONES: Yes, your Honor.

12 THE COURT: All right.

13 (Plaintiff's Exhibit 14I received in evidence.)

14 (Said exhibit published to the jury.)

15 BY MR. SHILLER:

16 Q Is that just a closer picture of the same corner we just
17 looked at?

18 A No.

19 Q Okay. Well, is that vacant lot on the right-hand side of
20 that picture the same vacant lot we saw on the left-hand side of
21 the other picture?

22 A Yes.

23 Q Okay, thank you.

24 Now, just to be clear, how many streets are there in
25 between Ellis and Greenwood?

Al Williams - Direct

1 A Three between Ellis and Greenwood.

2 Q What -- how many -- how many streets are there between?

3 A There's two.

4 Q Okay. There's two blocks or two streets?

5 A Two blocks.

6 Q Okay. And what's the street that cuts off those two blocks?

7 A That would be Greenwood, I believe.

8 Q What's the street in between Ellis and Greenwood?

9 A Oh, Dobson.

10 Q Okay. I'm going back to showing you what was previously
11 admitted and published, Exhibit 14D.

12 MR. SHILLER: If we could republish that to the jury,
13 your Honor.

14 THE COURT: All right. (Indicating.)

15 BY MR. SHILLER:

16 Q Now, you remember -- you described -- you said you came
17 across the street and you started to come east, which is towards
18 us in this picture?

19 A Yes.

20 Q How far did you get?

21 A No farther than along by the black fence, before the fence.

22 Q Okay. What happened when you got to -- by the black fence?

23 A Well, when I was rise -- something knocked me off my bike.
24 I didn't know what it was.

25 Q Okay. And where in this -- is it in this picture where you

Al Williams - Direct

1 got knocked off the bike?

2 A Yes, sir.

3 Q Point to where it is.

4 A On the sidewalk right there on the side by the gate.

5 Q Is there -- is there an opening in that area by that gate?

6 A Yes. It's a alley. And on the parking lot on the side
7 where the cars park by a building and it's a alley.

8 Q Okay. Just to be clear, how fast were you riding your bike?

9 A Not fast.

10 Q Okay. And where exactly on the sidewalk were you riding?

11 A Say again?

12 Q Where exactly on the sidewalk were you riding? Closer to
13 the street or closer to the buildings?

14 A I was basically closer to the buildings.

15 Q Okay. And how many people would you, if any, were on the
16 street that day?

17 A Maybe 10 or 15.

18 Q Okay. And do you see in this picture those trees, were
19 those still there that day?

20 A Yes.

21 Q Okay. So you said you got knocked off your bike.

22 Specifically what happened?

23 A Someone knocked me off my bike from the back.

24 Q And then what happened?

25 A The next time -- when I was knocked off my bike, I was

Al Williams - Direct

1 wondering what was -- I fell to the ground, and I felt somebody
2 behind me, grabbing on me and pulling on me.

3 Q Okay. What did you think was happening at the time?

4 A At the time, I thought I was being robbed.

5 Q Okay. And just to be clear, what were you wearing that day?

6 A A red -- a red jersey and some blue shorts.

7 Q Okay. And did you have anything on you?

8 A No, sir.

9 Q Did you have a wallet?

10 A No, sir.

11 Q Did you have any money?

12 A No, sir.

13 Q Did you have any drugs?

14 A No, sir.

15 Q Had you had any drugs on you at all that day?

16 A No, sir.

17 Q Had you been selling drugs that day?

18 A No, sir.

19 Q So after you are on the ground and you're thinking somebody
20 is robbing you and you can't get up, then what happens?

21 A As I struggle, when I was struggling to get up, I was pulled
22 up and, you know, I tried to defend myself. I was trying to
23 look around 'cuz I can't see from that eye. When I turned
24 around to look, it was like, bam, I was hit with a cold and hard
25 object.

Al Williams - Direct

1 Q Okay. And how did that feel?

2 A It hurted real bad.

3 Q Okay. And then what happened?

4 A I fell to the ground, back to the ground.

5 Q And then what happened?

6 A Then actually somebody had they knee in my back, and then I
7 start feeling handcuffs being clamped on me. I was on the
8 ground. One officer had his knee in the back, putting handcuffs
9 on me. And the other one was standing on my neck with his foot.

10 Q When did you realize this was police officers and not
11 robbers?

12 A When I felt the handcuffs going on.

13 Q So what did you do then?

14 A I couldn't do nothing after that.

15 Q So what did you do?

16 A I just laid there.

17 Q Okay. And then what happened?

18 A Then during that time, the officers picked me up from by
19 my -- by the back of my pants, like my -- the shoulders and the
20 handcuffs and threw me in the car.

21 Q You say they threw you in the car. Can you describe exactly
22 how they threw you in the car?

23 A You know like you grab somebody and you open the door, you
24 (indicating) like throwing them in.

25 MR. SHILLER: And for the record, he just did a motion,

Al Williams - Direct

1 kind of like an underhand sack of potatoes toss.

2 MR. JONES: Judge, whatever he did, he did. I don't
3 think I need Counsel's description.

4 THE COURT: All right. Well, for the record, we might
5 need it so ... if that's an objection, overruled.

6 BY MR. SHILLER:

7 Q How tall are you?

8 A Five three.

9 Q How much do you weigh?

10 A 135 pounds.

11 Q Okay. And was that your height and weight in May of 2007?

12 A Yes, sir.

13 Q Now, what happened after you got tossed into the car?

14 A During that time, one of the officer jumped in the back seat
15 with me.

16 Q Okay. As you sit here today in court, do you recognize
17 which one of those officers jumped in the back seat with you?

18 A Yes, sir.

19 Q Can you please point him out by an article of clothing or
20 saying where he is at the table?

21 A The officer that's sitting right there, straight ahead, next
22 to my attorney.

23 Q Okay. Where in the line?

24 A The first one right here.

25 Q Okay. And what does his tie look like?

Al Williams - Direct

1 A Pardon?

2 Q What does his tie look like?

3 A I can't -- my vision is kind of -- I can't see.

4 MR. SHILLER: For the record, he pointed out the first
5 one at the table. We would like the record to reflect that he
6 pointed out Officer Rubald.

7 THE COURT: Officer?

8 MR. SHILLER: Rubald.

9 THE COURT: All right. Any objection?

10 MR. JONES: No, Judge.

11 THE COURT: The record may reflect the identification
12 of Officer Rubald.

13 MR. SHILLER: Okay.

14 BY MR. SHILLER:

15 Q And what happened after Officer Rubald jumped in the back
16 seat with you?

17 A He proceeded to punch me several times in my stomach.

18 Q Okay. And then what happened?

19 A After that, he punched me in my groin.

20 Q Now, just to be clear, did you ever see who actually hit
21 you -- knocked you off your bike?

22 A No.

23 Q Did you ever see who actually hit you with that hard metal
24 object on your forehead?

25 A No.

Al Williams - Direct

1 Q Okay. But you did see Officer Rubald when he punched you in
2 the car?

3 A Yes, sir.

4 Q Then what happened?

5 A At that time, after he punched me in my groins, I told him
6 that he was trying to injure me, and he told me to shut my black
7 ass up, and proceed to call me Mr. Cataract.

8 Q And then what happened?

9 A That was it. He rode to the police station in the back with
10 me.

11 Q Okay. What happened when you arrived at the police station?

12 A When I got in the police station, after the interview, I was
13 taken to a room, and it was a room, a lock-up room, and they
14 were trying to put me back there. And the lock-up guy that was
15 back there, he told me that I couldn't come back there because I
16 was injured and I needed to go to the hospital.

17 Q Let's slow down. You said after the interview.

18 A Yes.

19 Q What interview are you talking about?

20 A When they had me sitting down for a couple hours talking
21 to -- writing up paperwork.

22 Q And, again, what time did this happen on the street, your
23 best estimation?

24 A Like 5:00, 5:15.

25 Q Okay. And when they interviewed you, what was -- was

Al Williams - Direct

1 this -- can you describe the room where they were interviewing
2 you at the police station?

3 A I'm not really -- just a single room what I was in, with
4 like a bench, and they had me handcuffed to the wall.

5 Q Okay. And what type of questions were they asking you?

6 A My name and stuff like that.

7 Q Okay. And then you said how long did that take?

8 A Maybe 30 minutes or so to an hour.

9 Q Okay. And then after that interview, then what happened --
10 I'm sorry, who was doing this questioning?

11 A Officer Rubald.

12 Q Okay. And then after that, then what happened?

13 A They took me back to go to the lock-up.

14 Q Okay. Who is "they"?

15 A The officers.

16 Q Which ones?

17 A Officer Rubald and his partner.

18 Q Okay. Do you know his partner's name or can you point his
19 partner out?

20 A I don't know his name.

21 Q Is he at the defense table?

22 A I -- yes.

23 Q Okay. Is he the first, second, or third one from you?

24 A That would be the one behind Rubald.

25 Q Okay. And when those two officers took you to lock-up, what

Al Williams - Direct

1 happened?

2 A The guy that was back there told me he couldn't accept me
3 back there because I was injured and I needed to go to the
4 hospital.

5 MR. SHILLER: And for the record, sitting in the second
6 seat behind Officer Rubald is Officer Leck.

7 I forgot to say that.

8 THE COURT: All right.

9 MR. JONES: Judge, I really don't have any objection to
10 the conversation. We could have a foundation. You know, name,
11 description, something like that.

12 MR. SHILLER: Well, he said he was the person sitting
13 right behind Officer Rubald.

14 MR. JONES: No, no, no, that's not -- I'm talking about
15 the conversation about the alleged lock-up people.

16 MR. SHILLER: Okay, we'll set that.

17 BY MR. SHILLER:

18 Q What did this person look like, this lock-up keeper?

19 A He was a black male.

20 Q Young, old?

21 A Young.

22 Q Tall, skinny, short, fat?

23 A I don't remember that.

24 Q Okay. Do you know his name?

25 A No, sir.

Al Williams - Direct

1 Q Okay. And who was present when this person refused to take
2 you into the lock-up?

3 A Officer Rubald and Officer Leck.

4 Q And just at this point, had any pictures been taken of you?

5 A No.

6 Q Okay. Had you been fingerprinted or anything?

7 A No.

8 Q Had you been told what you were charged with?

9 A No.

10 Q Okay. What happened after this person refused to take you
11 into lock-up?

12 A One of the officers, I don't know if it was Rubald or
13 Officer Leck, decided to go up front and get -- one of them said
14 to go get the desk sergeant or whatever, whoever he was.

15 Q Okay. And did somebody go get -- did somebody else come?

16 A Yes.

17 Q Where were you at this time?

18 A I was still -- I was sitting out -- it's like -- it's not an
19 enclosed room, but it's like got a wall, like a bar in it with
20 another bench with -- with -- handcuffed to the wall.

21 Q I'm sorry, which -- do you know which police station this
22 was?

23 A 78th and Halsted.

24 Q Okay.

25 THE COURT: All right. It's time for recess. We'll

Al Williams - Direct

1 take a 15-minute recess.

2 (Jury exits courtroom.)

3 (Recess from 3:14 p.m. to 3:33 p.m.)

4 (Jury enters courtroom.)

5 THE COURT: You may be seated.

6 BY MR. SHILLER:

7 Q Mr. Williams, at some point, you were eventually led into
8 the lock-up; is that true?

9 A Yes, sir.

10 Q How long was it before you were led into the lock-up?

11 A Maybe three to five hours later.

12 Q Three to five hours from what time?

13 A From the time we arrived at the police station around about
14 5:00 -- about 6:00.

15 Q Okay. And when you finally were put in the lock-up, was it
16 the same person, the same officer guarding the lock-up as the
17 first go-around?

18 A No, sir.

19 Q Okay. And what happened after you got -- what was the next
20 thing that happened to you after you got put in the lock-up?

21 A I was fingerprinted and searched.

22 Q Okay. And then after you were fingerprinted and searched?

23 A I was put into a lock-up room.

24 Q Did they take mugshots of you?

25 A Yes.

Al Williams - Direct

1 Q Okay.

2 MR. SHILLER: 13B.

3 MR. JONES: That's fine.

4 (Counsel conferring.)

5 MR. JONES: I have no trouble with either exhibit, so
6 they can be admitted.

7 THE COURT: All right.

8 (Plaintiff's Exhibits 13A, 13B received in evidence.)

9 MR. SHILLER: Publishing Exhibits 13B and A.

10 13B first.

11 (Said exhibit published to the jury.)

12 BY MR. SHILLER:

13 Q Can you tell me what that's a picture of?

14 A That's a picture of me.

15 Q Okay. And that's the picture that was taken in your
16 mugshot?

17 A Yes, I believe so.

18 Q Okay. And did you have any injuries in that picture?

19 A Yes.

20 Q Can you point to them?

21 A Right there on my forehead.

22 Q Okay. And how would you describe that injury?

23 A It's like a knot with a gash in it.

24 Q Okay. And how did you get that knot with the gash in it?

25 A When I was hit with the object.

Al Williams - Direct

1 Q Okay. And how did that knot with that gash feel?

2 A It hurted a lot.

3 Q Okay. And was it bleeding at any time?

4 A Yes.

5 Q When was it bleeding?

6 A From the time it happened until we got to the station.

7 Q And what happened to that blood?

8 A I got some tissue on it and wiping it off.

9 Q Okay. Let me show you now 13A, also admitted.

10 What's that a picture of?

11 A That's a picture of me again.

12 Q Okay. Is that the front-way mugshot?

13 A Yes, sir.

14 Q And these were the photos taken after you finally got into
15 the lock-up area?

16 A Yeah.

17 Q And, again, what's your estimate in how long that was after
18 you were arrested?

19 A Maybe three to five hours afterwards.

20 Q Okay. And then after you were fingerprinted and photoed,
21 what happened next?

22 A I stayed in the lock-up overnight.

23 Q Okay. And then what happened?

24 A The next morning, I was put on a bus and -- next morning, I
25 was put on a bus with quite a few other people.

Al Williams - Direct

1 Q Okay. Did you -- had you eaten yet --

2 A No.

3 Q -- from the time you were taken into custody?

4 A Right, I hadn't.

5 Q Okay. And then where did this bus take you?

6 A Took us all around to all the different stations to pick up
7 other guys.

8 Q Okay. Then where did it take you?

9 A Down to 26th and California.

10 Q What happened when you got to 26th and California?

11 A We went through process again.

12 Q What does that mean?

13 A I was -- I had a cavity search in my body.

14 Q Okay. And then what happened?

15 A After that, I spoke with an attorney.

16 Q Okay. Where were you when you spoke with this attorney?

17 A In the bullpen.

18 Q What were you doing in that bullpen?

19 A Waiting. Waiting for things to be processed.

20 Q Okay. And what, if anything, did this attorney do as a
21 result of that conversation with you?

22 A I had more pictures taken of me.

23 Q Okay. And, again, this was the following day that those
24 pictures were taken?

25 A Yes.

Al Williams - Direct

1 Q Okay. And this was at the bullpen, 26th and California.

2 A Yes, sir.

3 (Counsel conferring.)

4 Q I'm showing you Exhibit 13C, which is admitted by agreement.

5 Can you tell me what that's a picture of?

6 A That's a picture of me showing my shoulder.

7 Q Okay. Why were you showing your shoulder?

8 A Because there's an injury on there.

9 Q How did you receive that injury?

10 A During the arrest.

11 Q Do you recall specifically how you received that injury?

12 A I'm not for sure. Maybe it was when I was knocked to the
13 ground. I'm not for sure.

14 Q Okay. Did you have that injury prior to your arrest?

15 A No, sir.

16 Q Okay. And I'm showing you what was previously marked as
17 Exhibit 13D, also entered by agreement.

18 Can you tell me what that's a picture of?

19 A That's a picture of me holding my elbow up.

20 Q Why were you holding your elbow up?

21 A 'Cuz there was another injury to the elbow.

22 Q What was the injury?

23 A It's another scar on the elbow.

24 Q Okay. And how did you receive that scar?

25 A During the arrest.

Al Williams - Direct

1 Q Okay. Do you recall specifically how you got that scar?

2 A No, sir.

3 Q Okay. Did you have it prior to your arrest?

4 A No, sir.

5 Q Okay. What happened after these -- and then you saw the
6 picture that counsel referred to during opening? Do you
7 remember the picture of you, the full-length picture?

8 A Yes, sir.

9 Q Was that picture taken at the same time these other pictures
10 were taken?

11 A I'm not for sure.

12 Q Okay. What happened after these pictures were taken?

13 A Went to the preliminary or something like that.

14 Q Okay. By this, you mean there was like -- there was a court
15 hearing that day?

16 A Yes.

17 Q Okay. Do you recall what, if anything, happened at that
18 court hearing?

19 A Yes.

20 Q What happened?

21 A Excuse me.

22 Well, I was put in front of a monitor, and the State's
23 Attorney read from some papers, and the judge found probable
24 cause.

25 Q Okay. And then what happened?

Al Williams - Direct

1 A And I was sent back to the bullpen.

2 Q Okay. Did you have a bond set that day?

3 A Yes.

4 Q Do you recall how much it was set for?

5 A Yes.

6 Q How much?

7 A \$20,000 D bond.

8 Q What does that mean? How much did you have to post in order
9 to get out of jail?

10 A 2,000 cash.

11 Q Okay. What happened after you -- after the bond hearing,
12 after you got sent back to the bullpen, where did you go then?

13 A It's a very long lengthy part -- process, so we were still
14 downstairs in bullpens.

15 Q Had you -- well, describe the process.

16 After you went -- how long were you downstairs in the
17 bullpen for?

18 A Maybe a day or longer before I got -- before I got to where
19 I was supposed to go.

20 Q Well, describe the process. What happened?

21 A We got -- we were searched again. You know, a lot of guys
22 searched. Stripped naked and searched in your private parts and
23 all that.

24 Q Okay. And then what happens?

25 A Then finally, afterwards, after there, so we were shipped

Al Williams - Direct

1 to -- to the 26th and California, we were there, shipped into
2 cells.

3 Q Were you interviewed and asked various questions during this
4 long process?

5 A Yes.

6 Q Okay. And how long did you stay -- and how long did you
7 stay in the jail?

8 A 40 days.

9 Q Okay. And did you finally get out of the jail?

10 A Yes, sir.

11 Q How?

12 A My employer put up the bond money.

13 Q Now, going back, was there another court date -- when was
14 the next court date after that bond hearing, if you recall?

15 A I believe it was the day afterwards. I'm not for sure, but
16 I believe it was the day afterwards.

17 Q Okay. And -- okay. What happened at the next court
18 hearing. If you recall.

19 A Officers testified against me, three officers.

20 Q Was that the next court hearing or was that the trial?

21 A That was the next court hearing.

22 Q Okay. Now, I want to go back for a minute.

23 Do you recall -- when we were talking about the
24 incident, you said you were riding a bike.

25 A Yes.

Al Williams - Direct

1 Q What happened to that bike?

2 A I don't know.

3 Q Okay. Did you ever see that bike again?

4 A No, sir.

5 Q Whose bike was it?

6 A It was my bike.

7 Q Describe the bike. What type of bike was it?

8 A It was called a track bike, a 24-inch bike, a grown -- a
9 grown-up's bike. And it was green and silver, like green and
10 chrome silver.

11 Q Okay. And when did you get that bike?

12 A My grandma had bought it for me a while back for a present.

13 Q Okay. Do you recall how far back?

14 A No, sir.

15 Q What's your grandmother's name?

16 A Alberta Williams.

17 Q Now, do you recall that -- did you have an opportunity to
18 review your testimony in the criminal trial in this case?

19 A I believe so.

20 Q Okay. Do you recall saying in the criminal trial that that
21 bike was your cousin's bike?

22 A I might have, but I don't remember that.

23 Q Okay. Is it your cousin's bike?

24 A No, sir.

25 Q Okay. Do you know why you would have said that at the

Al Williams - Direct

1 criminal trial?

2 MR. JONES: Judge, I'll object.

3 THE COURT: Overruled.

4 THE WITNESS: I made a mistake.

5 BY MR. SHILLER:

6 Q Okay. Now, do you recall the criminal trial?

7 A Yes.

8 Q Who was your attorney?

9 A Abigail Clough.

10 Q Do you recall how -- do you recall how many times you had to
11 go to court leading up to the criminal trial?

12 A I'm not for sure. Maybe four or five.

13 Q Okay. And do you recall how long the criminal trial lasted?

14 A Yeah, about -- about -- about a year and a half.

15 Q No, how long the actual trial lasted.

16 A Oh, two days.

17 Q Okay. And where did that trial occur at?

18 A 26th and California courthouse.

19 Q Okay. And was that a bench or a jury trial?

20 A That was a jury.

21 Q Okay. Do you recall who testified at that trial?

22 A Yes.

23 Q Who testified?

24 A Officer Rubald, Officer Leck, and I believe the other guy
25 that's behind Officer Leck, the other officer.

Al Williams - Direct

1 Q Okay. Actually let me go back. And, I'm sorry, sometimes I
2 forget to ask questions.

3 When did you find out what you were being charged with
4 in this case?

5 A After I was in the back, being fingerprinted.

6 Q Okay. And what did you find out?

7 A At first they said I was being locked up for resisting
8 arrest; but when I got to the back, the guy that was locking me
9 up, I asked him what was I being charged with. He told me for
10 possession of narcotics.

11 Q And that was the first time you knew?

12 A Yes.

13 Q Okay. And do you recall what, if anything, the three
14 officers said at your trial?

15 A Yes, I do.

16 Q What did they say?

17 A They were saying I had drugs, but they were lying on me.

18 COURT REPORTER: I didn't hear you.

19 A I -- they were saying that I -- that I had possessed drugs,
20 but they were lying.

21 Q And how did that make you feel?

22 A I was angry and upset.

23 Q And how long did that anger and upsetness last?

24 A Well, it lasted for a long period of time until after the
25 trial, after the jury came back, 30 minutes after they left and

Al Williams - Direct

1 came back with a not guilty verdict, I felt relieved.

2 MR. SHILLER: Can I have a moment, your Honor?

3 THE COURT: Yes.

4 (Counsel conferring.)

5 MR. SHILLER: Just a couple more questions.

6 BY MR. SHILLER:

7 Q Do you -- in the last ten years, have you had any other
8 income besides the income you received from moving?

9 A No, sir.

10 Q Okay. And how often do you get to work on moving?

11 A Sometimes it will be three days. Depends how fast.
12 Sometimes it will be three, sometimes maybe five or six days a
13 week.

14 Q Okay. And what did you do with your income?

15 A Well, I helped Joyce pay the rent. And during that time, we
16 was taking care of my niece and nephew, Devenus (phonetic) and
17 Demetrius Borders (phonetic).

18 Q And why were you taking care of them?

19 A Because they had -- they mother had lost custody of them for
20 a minute.

21 Q Okay. I have nothing further.

22 THE COURT: All right.

23 MR. JONES: May I --

24 THE COURT: Sorry?

25 MR. JONES: Remember tomorrow?

Al Williams - Direct

1 THE COURT: We'll get started.

2 MR. JONES: Judge, then can I have -- you know, that
3 was not our deal, Judge, but -- let me see -- I'm going to need
4 two minutes then, Judge.

5 THE COURT: All right.

6 (Counsel conferring.)

7 MR. KOSOGLAD: Your Honor, may I be excused for just
8 one moment? I'll be right back.

9 THE COURT: Yes.

10 (Mr. Kosoglad left courtroom and then returned.)

11 (Brief pause.)

12 MR. JONES: Judge?

13 THE COURT: You may proceed.

14 CROSS-EXAMINATION

15 BY MR. JONES:

16 Q All right. Good afternoon, Mr. Williams.

17 A Good afternoon, sir.

18 Q Well, I want to start this last part that counsel went into.

19 You recall that prior to trial you were asked to state
20 any damages that you were claiming in this action. Do you
21 remember that?

22 A I'm not for sure.

23 Q Well, do you recall --

24 MR. JONES: I'm going to show him what's been marked as
25 Exhibit 2B. Answers to Interrogatories.

Al Williams - Cross

1 BY MR. JONES:

2 Q I want to show you -- well, here, first let me ask you this:

3 Do you recall in answer to one of the interrogatories,
4 you stated that the only damages that you were claiming related
5 to the fact that you lost your bicycle on account of this
6 incident.

7 Do you recall that?

8 A No, sir.

9 Q Here, let me show you the answer to --

10 MR. JONES: If I may approach the witness, Judge?

11 THE COURT: You may.

12 BY MR. JONES:

13 Q All right. I'm going to show you your Answers to
14 Interrogatories. And this would be Number 16.

15 Do you see -- this is Number 16. And this is your
16 answer to Number 16.

17 A Okay, I see it.

18 Q All right. Do you see that?

19 A Yes, sir.

20 Q Now, does that refresh your recollection that that's the
21 answer that you gave in your interrogatories?

22 A I guess so, yes.

23 Q All right. And even -- and you recall that even in your
24 deposition in this case, you also told Mr. Cazares, who,
25 remember, he conducted your deposition in this case, you also

Al Williams - Cross

1 told Mr. Cazares the same thing --

2 MR. SHILLER: Page and line number?

3 MR. JONES: It would be page 120 of the deposition, and
4 it would be I believe -- let me just check.

5 MR. SHILLER: I'm objecting to improper impeaching.
6 I'm not sure what he's impeaching right now.

7 BY MR. JONES:

8 Q Well, I'm just getting at some facts here.

9 You also remember telling --

10 THE COURT: All right. That's not impeachment then.

11 BY MR. JONES:

12 Q Well, do you also remember telling Mr. Cazares that the only
13 damages you were claiming were in relationship to the bicycle?

14 A I don't remember that.

15 Q Well, do you recall being asked this question and giving
16 this answer?

17 MR. SHILLER: Objection.

18 THE COURT: Wait.

19 MR. SHILLER: Objection. This isn't proper
20 impeachment. He said he doesn't remember.

21 MR. JONES: Well, then, that's what, Judge, I want to
22 impeach him --

23 THE COURT: Overruled.

24 BY MR. JONES:

25 Q Do you remember being asked this question and giving this

Al Williams - Cross

1 answer?

2 "QUESTION: Can we direct your attention to
3 Interrogatory Number 16?

4 "Okay.

5 "Number 16 asked you to identify and list any expenses
6 or damages you've incurred as a result of this incident.

7 "All right.

8 "And you've listed that you lost your bicycle.

9 "ANSWER: Yes."

10 Do you recall being asked that question and giving that
11 answer?

12 A I might have, but I don't recall.

13 Q All right. Now, with respect to the bike you claim as a
14 loss, you told Mr. Cazares, and I gather it was your testimony
15 that the bike was lost after your arrest; is that correct?

16 A Yes.

17 Q And you were also asked by Mr. Cazares, were you not,
18 that -- whether -- you were asked whether any cousins of yours
19 had taken the bike for you on the day you were arrested. Do you
20 recall that?

21 A No, sir.

22 Q Well, you denied, did you not, that any cousins had taken
23 that bike for you; isn't that right?

24 A Can you ask me that question again, please?

25 Q All right. Mr. Cazares asked you whether any cousins had

Al Williams - Cross

1 taken that bike for you on the date that you were arrested, and
2 you told him that none had taken it for you; isn't that correct?

3 MR. SHILLER: Again, improper impeachment. That's not
4 impeaching.

5 THE COURT: Sustained.

6 BY MR. JONES:

7 Q All right. It's your story now that the bike was lost; is
8 that correct?

9 A Yes, sir.

10 Q And that you don't know anything about any cousin taking
11 that bike on the date that you were arrested; isn't that
12 correct?

13 A Yes, sir.

14 Q All right. Now, the reason we've gone through this is
15 because the truth of the matter is you've known all along that
16 that story about the bike is a lie, you've known that; isn't
17 that correct?

18 A No, sir.

19 Q Isn't it a fact that during your criminal trial, you were
20 sworn under oath, like you are today, isn't that right?

21 A Yes, sir.

22 Q And you were sworn to tell the truth, right?

23 A Yes, sir.

24 Q And you gave testimony about that bike in your criminal
25 trial, did you not?

Al Williams - Cross

1 A I believe so, sir.

2 Q In fact, what you've told that jury in the criminal trial
3 was that that bike had been -- it was -- in fact, you told the
4 jury in the criminal trial that the bike was not yours. Didn't
5 you tell the jury that?

6 A I don't recall that, sir.

7 Q Well, let's take a look.

8 Can I have the last question read back, just so that
9 I --

10 THE COURT: Yes.

11 (The record was read by the reporter as requested.)

12 BY MR. JONES:

13 Q Yes, do you remember -- page 218. Line 5.

14 Told the jury, you were asked -- were you asked this
15 question?

16 "What happened to your bike?

17 "ANSWER: It belonged to my little cousin."

18 Do you remember telling that jury that?

19 A I don't recall that, sir.

20 Q All right. And do you recall being asked this question and
21 giving this answer?

22 MR. SHILLER: Judge, I'm unclear whether this is
23 impeachment or --

24 THE COURT: All right. Let's have a sidebar.

25 (Proceedings heard at sidebar:)

Al Williams - Cross

1 THE COURT: This courtroom is impossible. Move it
2 back.

3 Did he testify about ownership of the bike?

4 MR. SHILLER: Yes. This is definitely something to
5 impeach him about. I just can't tell whether he's trying to
6 refresh his recollection or impeach him.

7 MR. JONES: I don't have to refresh his recollection.
8 Judge, he lied about the bike. He told us in the deposition it
9 was his bike. He told the criminal trial jury that it was his
10 cousin's bike. And I'm going right to the heart of it.

11 THE COURT: But what did he say here today?

12 MR. SHILLER: He said today it was his bike, and he
13 lost it. He said at the criminal trial that it was his cousin's
14 bike. I got no problem with the impeachment. I was just
15 talking about the form of the impeachment.

16 MR. JONES: But the form of the impeachment is always,
17 Judge, were you asked this question, if he denies it, and did
18 you give this answer.

19 THE COURT: Right, but you have to --

20 MR. JONES: How else am I going to impeach him?

21 THE COURT: This is true, but I just want to make sure
22 that what you're impeaching him on is his testimony here in
23 court, not inconsistent testimony he gave at his deposition --

24 MR. JONES: And at trial. He said today that the bike
25 is his bike. He told the criminal jury it was his cousin's

Al Williams - Cross

1 bike.

2 THE COURT: And he told -- in the deposition, he gave a
3 different answer. Is that right?

4 MR. JONES: In the deposition, he says it was his bike.

5 MR. SHILLER: His deposition was consistent with his
6 testimony today. That's why --

7 MR. JONES: But I can impeach him on the fact that he
8 lied and told the jury an entirely different story at his
9 criminal trial, when he's under oath.

10 THE COURT: Right. Okay. So you've done that. So now
11 where are we going?

12 MR. JONES: I have one more question on this that I
13 want to ask him. Just this one more.

14 THE COURT: What is it?

15 MR. JONES: So -- because in his deposition, he says
16 that -- where I ask him about the -- he told the criminal jury
17 that a cousin did come and pick up the bike.

18 THE COURT: Now, wait a minute. Did he testify about
19 that today?

20 MR. JONES: Yes.

21 MR. SHILLER: He said he didn't know what happened to
22 the bike today.

23 THE COURT: Okay. All right. So you can ask him.

24 MR. JONES: All right.

25 (Sidebar proceedings concluded.)

Al Williams - Cross

1 MR. JONES: May I proceed?

2 THE COURT: You may.

3 BY MR. JONES:

4 Q You told the criminal jury that the bike was your cousin's
5 and that your cousin came and picked it up, didn't you?

6 A I don't remember that, sir.

7 Q Well, you know, this is -- this is a crucial piece -- how
8 could you forget it?

9 A I don't remember, it's been so long, I don't remember.

10 Q Is it because you tell so many lies that you can't keep up
11 with the lies?

12 MR. SHILLER: Objection, argumentative.

13 THE COURT: Sustained.

14 BY MR. JONES:

15 Q Now, you've told the Ladies and Gentlemen of this jury that
16 you were employed; isn't that correct?

17 A Yes, sir.

18 Q Told them that you -- in fact, what you told the jury at the
19 criminal trial was that you were a professional mover, isn't
20 that what you told them?

21 A Yes, sir.

22 Q Now, the truth of the matter is you don't possess a single
23 document showing that you ever did a day's work in your life;
24 isn't that true?

25 A That's true, sir.

Al Williams - Cross

1 Q That, of course, would mean you have no documents showing
2 that you ever did any work in 2007; isn't that correct?

3 A That's correct, sir.

4 Q And when your counsel asked you today whether you file tax
5 returns on your income, you boldly told this jury a lie, did you
6 not?

7 A No, sir.

8 Q Well, you remember that you filed -- you gave us permission
9 to pull your tax returns, you recall that, don't you?

10 A Yes, sir.

11 Q And the truth of the matter is you didn't even file a tax
12 return for 2007; isn't that correct?

13 A Yes, that's correct.

14 Q And is that what you call filing -- is that what you meant
15 when you told the Ladies and Gentlemen of the Jury just now that
16 you file your income for professional mover, is that what you
17 meant?

18 A No, sir.

19 Q And, you know, you say you were a professional mover. But
20 if we go back and take a look at your income tax returns, you
21 didn't file an income tax return for the year 2003, did you?

22 A No, sir.

23 Q And you didn't file an income tax return for the year 2004,
24 did you?

25 A No, sir.

Al Williams - Cross

1 Q And this is all the years when you want this jury to believe
2 that you're some kind of professional mover, right?

3 A No, sir.

4 Q And when you finally did file an income tax return in 2005,
5 you listed that you made 19 -- \$9,000, and you stated that you
6 had earned that income from taking care of your nephews. Isn't
7 that what you put in that 2005 income tax return?

8 A Yes, sir.

9 Q That didn't say one word about being a professional mover,
10 did it?

11 A No, it didn't.

12 Q And even the year before you're supposed to be this
13 professional mover, you didn't file income tax returns for 2006,
14 did you?

15 A No, sir.

16 Q Now, your lawyer asked you, well, the only business that you
17 ever had was the moving business; isn't that right?

18 A Yes, sir.

19 Q And you boldly told the jury another lie. You said that
20 that's the only business you had, right?

21 A Yes, sir.

22 Q But how come is it that in 2008 when you filed a federal
23 income tax return, you don't list moving, but you list \$11,000
24 and say it came from a hair care business? Isn't that what you
25 did?

Al Williams - Cross

1 A I don't recall that, sir.

2 MR. JONES: Here, pull the tax return for me.

3 BY MR. JONES:

4 Q And while he's looking for that, why don't you tell the
5 Ladies and Gentlemen of the Jury, have you ever had a hair care
6 business?

7 A No, I haven't.

8 Q And while they're looking for that, maybe I can ask you a
9 few more.

10 You claim that you're a professional mover for ten
11 years, right?

12 A Yes, sir.

13 Q Truth of the matter is, once again, you never had a bank
14 account in your life, have you?

15 A No, sir.

16 Q And I guess I could go further.

17 You never had a checking account in your life, have
18 you?

19 A No, sir.

20 Q You never had any credit cards, right?

21 A No, sir.

22 Q And you never even had a telephone service in your name,
23 have you, sir?

24 A No, sir.

25 MR. JONES: How much further do I have to go, Judge?

Al Williams - Cross

1 Because you know you caught me by surprise.

2 THE COURT: We won't talk about it in front of the
3 jury.

4 All right, we'll recess for the day, and we'll resume
5 tomorrow at 9:30.

6 Thank you, and have a good evening.

7 Remember not to talk about the case with anybody at
8 home.

9 - - - - -

10 C E R T I F I C A T E

11 I certify that the foregoing is a correct transcript from
12 the record of proceedings in the above-entitled matter.

13 /s/Gayle A. McGuigan

Date: May 18, 2011

14
15 _____
16 GAYLE A. MCGUIGAN, CSR, RMR, CRR
17 Official Court Reporter

Date

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